

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Idin Pirany, dba Superfly Shuttle (PSC17370) to expand its Certificate of Public Convenience and Necessity to include the following counties: San Bernardino, Riverside, portions of the county of Los Angeles and certain points in the county of San Diego, and the John Wayne (SNA) Airport; and to make changes in existing rates for Orange County; and to establish a Zone of Rate Freedom.

Application 13-06-010
(Filed June 13, 2013)

D E C I S I O N G R A N T I N G A P P L I C A T I O N**Summary**

This decision grants the application of Idin Pirany doing business as Superfly Shuttle (Applicant), an individual, pursuant to Pub. Util. Code § 1031, et seq., to expand its Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226. Applicant is authorized to increase rates for Orange County, apply the rates proposed for the expanded service in the application, and to apply a Zone of Rate Freedom of plus \$5 above and \$5 below to the approved fares pursuant to Pub. Util. Code § 454.2.

Discussion

Idin Pirany, doing business as Superfly Shuttle (Applicant), currently is authorized pursuant to Decision (D.) 04-09-016 to transport passengers and their baggage on an on-call basis between Long Beach and certain cities in Orange County to John Wayne Airport (SNA). A Certificate Rider was issued by Resolution No. 17978 on August 30, 2005, to indicate the certificate holder is Idin

Pirany. The application requests authority to expand the on-call Passenger Stage Corporation (PSC) authority from additional cities in Orange County, Los Angeles County, San Bernardino County, Riverside County and San Diego County to SNA. The application also proposed increased fares for Orange County, and new fares for the expanded service.

Applicant reports the addition of several new terminals and domestic airlines to SNA is increasing demand for on-call PSC service to points beyond its currently authorized service territory. Applicant states the expanded service of the shared ride to the airport will result in a benefit to the environment and lead to a reduction of private vehicles on the public highways. Applicant indicates it has the experience and ability to operate the requested service. Applicant has provided on-call door to door service for over 8 years. Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of March 15, 2013, which discloses assets of \$103,500, liabilities of \$9,800, and equity of \$93,700.

The proposed fares for the expanded service are listed in Exhibit A of the application. Current fares range from \$15 (Irvine and Newport Beach) and \$30 (Long Beach). Proposed fares range from \$25 (Santa Ana) to \$240 (Twenty-nine Palms). Applicant requests authority to create a Zone of Rate Freedom (ZORF) to the expanded service, namely \$5 above the approved fare, and \$5 below the approved fare. The minimum fare will be \$20. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its service area. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 14, 2013. Applicant served a notice of the application to affected airports, cities and counties, and transit authorities.

In Resolution ALJ 176-3316 dated June 27, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3316.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance per General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Emory J. Hagan, III is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant operates as an on-call PSC pursuant to D.04-09-016 between Long Beach and certain cities in Orange County and SNA.
2. The application requests authority to expand Applicant's PSC authority to include service between cities in San Bernardino County, Riverside County, Los Angeles County, San Diego County, and SNA.

3. The application also requests an increase in fares for Orange County and to apply new fares for the expanded service.

4. The application requests authority to establish a ZORF of \$5 above and \$5 below the approved fares. The minimum fare will be \$20.

5. Applicant will compete with PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its operations.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. Proposed service will reduce the number of vehicles on the public highways therefore it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request to apply a ZORF of \$5 above and \$5 below the approved fares to the expanded service should be granted because the ZORF is fair and reasonable.

3. Before Applicant changes any fares under the authorized ZORF, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

4. Because the matter is uncontested, the decision should be effective on the date it is signed.

O R D E R

IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity granted Idin Pirany, dba Superfly Shuttle, an individual, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-17360 of Decision 04-09-016, is revised by replacing the Original Title Page and Original Pages 1 through 3 with First Revised Title Page and First Revised Pages 1 through 3, subject to the conditions contained in the following paragraphs.

2. Idin Pirany dba Superfly Shuttle, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.
3. Idin Pirany dba Superfly Shuttle, is authorized to apply a zone of rate freedom of \$5 above and \$5 below the approved fares. The minimum fare will be \$20.
4. Idin Pirany dba Superfly Shuttle, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The authority to apply the ZORF shall expire unless exercised within 120 days after the effective date of this decision.
5. Idin Pirany dba Superfly Shuttle, may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.
6. In addition to posting and filing tariffs, Idin Pirany dba Superfly Shuttle, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.
7. Idin Pirany dba Superfly Shuttle (Applicant), is authorized to begin operating the expanded service on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to John Wayne Airport (SNA), Idin Pirany dba Superfly Shuttle (Applicant), shall notify SNA's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation-17370, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

SED/rff

Appendix PSC-17370

Idin Pirany
(an individual)

First Revised
Title Page
cancels Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-17370

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Certificate Rider issued by Resolution No. 17978, August 30, 2005, to indicate the
certificate holder is Idin Pirany.

Issued under authority of Decision _____, dated _____, of the
Public Utilities Commission of the State of California in Application 13-06-010.

SED/rff

Appendix PSC-17370

Idin Pirany
(an individual)

Revised Page 1
cancels
Original Page 1

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Idin Pirany, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between the points described in Section IIA and the airport described in Section IIB, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Within cities in the Counties of Orange, Los Angeles, San Bernardino, Riverside, and San Diego.
- B. John Wayne Airport (SNA).

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets and highways to SNA.